



News Release

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Commissioner

For Release:
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**Department of Health and Senior Services
Proposes to Readopt with Amendments N.J.A.C. 8:13, the Rules Governing Shellfish,
and Proposes a New Rule Governing Oyster Temperature Control**

The Consumer and Environmental Health Services of the Public Health Protection and Emergency Preparedness Branch of the Department of Health and Senior Services is proposing to readopt N.J.A.C. 8:13, Shellfish, and proposes amendments and a new rule. N.J.A.C. 8:13 establishes sanitation and recordkeeping requirements for the handling, processing, and shipping of raw molluscan shellfish. In addition, the chapter specifies the requirements for certification of shellfish plants based on the shellfish processing and handling operations conducted. The rules at N.J.A.C. 8:13 have operated since 1974 to protect the health of raw molluscan shellfish consumers by providing sanitary and recordkeeping requirements and other standards for the safe handling of shellfish.

The Department is proposing amendments throughout the chapter to make technical corrections and to update cross-references to other applicable laws and publications incorporated by reference, including the Model Ordinance of the National Shellfish Sanitation Program. The Department proposes to amend existing N.J.A.C. 8:13-2.26 to update the required notices to be placed on shellfish shipping tags, in conformance with changes to the language of the notice provided in the Model Ordinance.

The Department proposes a new rule at N.J.A.C. 8:13-1.7, Oyster temperature control, to require oyster harvesters to implement a mechanism to retard increase in oyster temperature following harvest until unloading at dockside. The proposed new rule would require harvesters to accomplish this by means of tarping that remains in place and withstands typical operating and weather conditions, provides specified clearances over and beyond holding devices, and is maintained in sanitary and operable condition. The proposed new rule would establish a procedure by which harvesters might apply to the Department for authorization to use a mechanism other than tarping to retard temperature increase. The proposed new rule would provide that the Department would evaluate alternative mechanisms based on a particular mechanism's ability to retard temperature increase until unloading and to be maintained in a sanitary and operable condition.

The proposal appears in the October 3, 2005 issue of the New Jersey Register. The public has until December 2, 2005 to comment on the proposal, except as discussed below. Except as discussed below, written comments must be postmarked on or before December 2, 2005, which is the close of the 60-day public comment period.

The Department has discovered an error in the published notice of proposal. A portion of the proposed amendment to N.J.A.C. 8:13-2.26(c)6, Shellfish shipping tags, was erroneously omitted from the published notice; specifically, the new text "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your" was omitted before "risk" in the quoted consumer advisory statement. A notice of administrative correction of this error will appear in the October 17, 2005 issue of the New Jersey Register. The Department is extending the public comment period only for the proposed amendment to N.J.A.C. 8:13-2.26(c)6 until December 16, 2005. Written comments on the proposed amendment to N.J.A.C. 8:13-2.26(c)6 must be postmarked on or before December 16, 2005, which is the close of the 60-day public comment period only for the proposed amendment to N.J.A.C. 8:13-2.26(c)6.

Persons wishing to comment on the proposal or on the proposed amendment to N.J.A.C. 8:13-2.26(c)6 must submit their comments in writing to Richard M. Ritota, Program Manager, Food and Drug Safety Program, Consumer and Environmental Health Services, Public Health Protection and Emergency Preparedness Branch, New Jersey Department of Health and Senior Services, P O Box 369, Trenton, NJ 08625-0369.

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